

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2015-\_\_\_\_**

**INTRODUCED BY:**

**FINANCE COMMITTEE**

**AN ORDINANCE**

**AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO REQUIRE THAT PRIOR TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE THAT THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH THE ADOPTION OF AN ORDINANCE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1. Subsection 11-9.1 SFCC 1987 (being SFCC 1981, §9-3-12) is amended to read:**

**11-9.1 General Obligation Bonds.**

**A. The governing body may secure funds for projects or activities authorized by Section 3-30-5 NMSA 1978 or other applicable state law by:**

**(1) Submitting to a vote of the qualified electors the question of issuing the bonds; and**

1                   (2)     Upon approval by a majority of those voting on the question favoring the  
2                   creation of the debt, issuing and disposing of negotiable bonds pursuant to state law. The  
3                   debt and interest on the debt will be paid for by assessing real estate property taxes over the  
4                   life of the bonds.

5                   B.     The city shall use the money received from the issuance of the bonds only for  
6                   the purpose for which the bonds were issued and all bond campaign public information materials  
7                   generated by the city, shall be consistent with that purpose.

8                   C.     The city shall pledge its full faith and credit to the payment and debt retirement of the  
9                   bonds. The city shall designate and maintain sinking and interest funds for the payment of interest on  
10                  and principal of the bonds as the payments become due. Provided, however, that the city may pay the  
11                  principal and interest on the bonds from any available revenues, and the levy or levies of taxes may  
12                  be diminished to the extent such other revenues are available for the payment of such principal and  
13                  interest.

14                  D.     Within thirty (30) days of passage of an election resolution authorizing the placement  
15                  of general obligation bond questions on the ballot, the city shall provide information to the electorate  
16                  regarding the purpose(s) of the general obligation bonds.

17                  E.     Any reallocation of proceeds from a voter-approved general obligation bond that  
18                  deviates materially from the information provided to the electorate by the city of Santa Fe pursuant to  
19                  paragraph D, above, shall be voted upon by the governing body [~~after a public hearing~~] through the  
20                  adoption of an ordinance. For the purposes of this paragraph E, a change order reallocating such  
21                  proceeds due to unforeseen or latent conditions is not a material deviation.

22                  **Section 2.     Section 18-9 SFCC 1987 (being Ord. #2013-33, §2) is amended to read:**  
23                  **18-9   TAXES, NEW OR INCREASED; REALLOCATION OF PROCEEDS.**

24                  A.     Within thirty (30) days of passage of an election resolution authorizing the placement  
25                  of a question on the ballot that would seek to or impose a new or increase in any tax, the city shall

1 provide information to the electorate of the city of Santa Fe regarding the purpose(s) of the new or  
2 increased tax.

3 B. Any reallocation of proceeds from a voter-approved tax that deviates materially from  
4 the information provided to the electorate by the city of Santa Fe pursuant to paragraph A, above,  
5 shall be voted upon by the governing body [~~after a public hearing~~] through the adoption of an  
6 ordinance. For the purposes of this paragraph B, a change order reallocating such proceeds due to  
7 unforeseen or latent conditions is not a material deviation.

8 APPROVED AS TO FORM:

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11 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/2015 Bills/Bond\_Tax Reallocation\_Require Ordinance*